

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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NATIONAL CASUALTY COMPANY,

Civil Action No.: 04-10167MLW

Petitioner,

v.

FIRST STATE INSURANCE GROUP,

Respondent.

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**MOTION OF FIRST STATE INSURANCE GROUP FOR AN ORDER DISMISSING
NATIONAL CASUALTY COMPANY'S PETITION TO VACATE ARBITRAL ORDER**

Respondent First State Insurance Group ("First State") respectfully moves this Court for an Order, pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, dismissing National Casualty Company's Petition to Vacate Arbitral Order and Enjoin Further Arbitral Proceedings, Or, in the Alternative, Remand. In Support of this Motion, First State relies on the accompanying Memorandum of Law.

First State Insurance Group
By its attorneys,



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-and-

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Dated: February 17, 2004

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(2)

The undersigned counsel for the Respondent certifies that counsel for the parties have conferred in a good faith attempt to resolve or narrow the issues raised by this Motion, but were unable to reach any agreement.


Thomas M. Elcock

CERTIFICATE OF SERVICE

I, Thomas M. Elcock, hereby certify that on February 17, 2004, I served First State Insurance Group's Motion to Dismiss National Casualty Company's Petition to Vacate Arbitral Order and Enjoin Further Arbitral Proceedings, Or, in the Alternative, Remand, by causing copies to be delivered via facsimile, hand delivery and first class mail, postage prepaid, to counsel of record for all parties.


Thomas M. Elcock